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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/966,867 | 09/28/2001 | James R. Bergsten | 00-692 | 4956 |

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LSI LOGIC CORPORATION
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EXAMINER

NGUYEN, HIEP T

| ART UNIT | PAPER NUMBER |
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2187

DATE MAILED: 06/14/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. **09/966,867**

Applicant(s)

BERGSTEN, JAMES R.

Examiner

Hiep T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-22 are presented for examination.

Claim Objections

2. Claim 15 is objected to because it appears that the claim should be depended on claim 14 instead of claim 18, as recited in line 1.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 11-13, and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Engquist, U.S. Patent No. 5,802,297.

(a) As per claim 1: Engquist teaches a method [figure 4; col. 7, lines 18-42] for providing desired content, comprising:

- i. Receiving a first content request at a first storage device [step 102];
- ii. Analyzing a map at said first storage device to determine if a copy associated with said first content request is present at said first storage device, said map including at least one map entry having an identifier suitable for describing a range of addressable data blocks, wherein the map entry corresponds to a data block stored in said first storage device [steps 104-106];
- iii. Proving said copy of associated with said first content request to a user, wherein said copy associated with said content request is retrieved from a second storage device to said first device when said copy associated with said first

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content request is not initially present at said first storage device [steps 108-112, wherein the steps is started at step 109].

- (b) As per claim 2: the further claimed limitation of "updating said map when said copy associated with said first content request is retrieved from second storage device to said first storage device" is inherently taught by Engquist. This is because the mentioned updating step is necessary in every cache system so as to reflect the current status of the data currently in the cache [i.e., claimed first storage device].
- (c) As per claim 3: similarly to claim 2, the further claimed limitation is inherently taught by Engquist. This is because the requested data is always returned from the cache to the requester unless the cache does not have it.
- (d) As per claims 11-12: the claimed system encompasses basically the necessarily means for carrying out the corresponding steps in claims 1-2. Accordingly, the claims 11-12 are rejected for the same reason as set forth for claims 1-2.
- (e) As per claim 13: Engquist directly teaches the further claimed limitation through the steps shown in figure 5.
- (f) As per claims 16-17: similarly to claims 1-3, each and every claimed steps are either directly or inherently taught by Engquist, as discussed the rejections of claims 1-3 [see again, figure 4, col. 7, lines 18-42].

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 4-10, 14-15, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engquist, as applied to claims 1-3, 11-13, 16-17, above, and further in view of well-known features of which Official Notice is hereby taken.

(a) As per claims 4-10, 14-15, and 18-22:

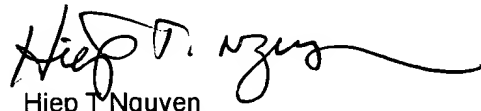
- i. Engquist teaches a system and/or method of operation thereof as mentioned in the rejections of claims 1, 11, and 18.
- ii. Engquist, however, does not explicitly discuss how the copy of requested data is transmitted to the first storage device. More specifically, Engquist does not disclose whether the requested copy is transmitted from second storage device to the first storage device by transmitting a message or passing a token, as claimed in claims 4-10, 14-15, and 18-22.
- iii. Using a messaging scheme or passing a token between two or more nodes in a computer network has been known and commonly implemented in the pertinent art.
- iv. One having ordinary skill in the art, who is familiar with such messaging scheme and/or token, looks at the system of Engquist, would lead he or she to use either one of the mentioned commonly practiced schemes for passing the data from the second storage device to the first store device simply because the commonly practiced scheme has been widely used in the art. Thus, Using one of the mentioned commonly practiced scheme would provide the Engquist system with a more compatibility with other systems.
- v. Accordingly, it would have been obvious to one having ordinary skill in the art [if not already inherent in the Engquist system] to employ either messaging scheme or token passing for transmitting the requested copy from the second storage device to the first storage device in the Engquist system.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - (a) Edelstein et al., U.S. patent No. 5,764,906, see the abstract, figures 1 and 5.
 - (b) Bantum, U.S. Patent no. 5,790,805, see figure 1.
 - (c) Lin, U.S. patent No. 6,178,443, see the abstract, col. 2, lines 23-45.
 - (d) Burns et al., U.S. Patent No. 6,571,276, see figure 1.
 - (e) Neuhaus et al., US 2002/0065829, see the abstract, paragraph 9.
 - (f) Borenstein et al., 2002/0082927, see the abstract.
 - (g) Beinecke, III, US 2002/0128916, see figures 1 and 2.
 - (h) Sun, US 2003/0041045, see figure 7.
 - (i) Walker et al., US 2004/0066397, see figure 1.
 - (j) Shibata, US 2002/0029261, see the abstract, figure 1.
 - (k) Tadokoro et al., US 2002/0052796, see figure 4-1.
 - (l) Kasirer et al., US 2002/0059080, see figure 2.
 - (m) Meadway, US Patent No. 6,675,205, see the abstract.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hiep T Nguyen whose telephone number is (703) 305-3822. The examiner can normally be reached on Monday-Friday from 9:30 a.m. to 6:00 p.m.
9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (703) 308-1756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hiep T. Nguyen
Primary Examiner
Art Unit 2187

HTN